

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

FILED

MAR 1 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

WESTERN WATERSHEDS PROJECT; et  
al.,

Plaintiffs-Appellants,

and

BARTELL RANCH LLC; EDWARD  
BARTELL,

Plaintiffs,

RENO-SPARKS INDIAN COLONY; et al.,

Intervenor-Plaintiffs,

v.

ESTER M. MCCULLOUGH, District  
Manager; et al.,

Defendants-Appellees,

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant-  
Appellee.

No. 23-15259

D.C. Nos.

3:21-cv-00080-MMD-CLB

3:21-cv-00103-MMD-CLB

District of Nevada,

Reno

ORDER

WESTERN WATERSHEDS PROJECT; et  
al.,

Plaintiffs,

RENO-SPARKS INDIAN COLONY; ATSA

No. 23-15261

D.C. Nos.

3:21-cv-00080-MMD-CLB

3:21-cv-00103-MMD-CLB

KOODAKUH WYH NUWU PEOPLE OF  
RED MOUNTAIN,

Intervenor-Plaintiffs,

and

BURNS PAIUTE TRIBE,

Intervenor-Plaintiff-  
Appellant,

v.

ESTER M. MCCULLOUGH, District  
Manager; et al.,

Defendants-Appellees,

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant-  
Appellee.

BARTELL RANCH LLC; EDWARD  
BARTELL,

Plaintiffs-Appellants,

and

WESTERN WATERSHEDS PROJECT; et  
al.,

Plaintiffs,

RENO-SPARKS INDIAN COLONY; et al.,

Intervenor-Plaintiffs,

No. 23-15262

D.C. Nos.

3:21-cv-00080-MMD-CLB

3:21-cv-00103-MMD-CLB

v.

ESTER M. MCCULLOUGH, District  
Manager; et al.,

Defendants-Appellees,

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant-  
Appellee.

Before: M. SMITH and BRESS, Circuit Judges.

The parties' motions to file combined and oversized responses and replies (Docket Entry No. 17, 19, 29 in No. 23-15259; Docket Entry No. 13 in No. 23-15262) in connection with the motions for injunctive relief are granted.

The motions for injunctive relief pending appeal (Docket Entry No. 2 in No. 23-15259; Docket Entry No. 4 in No. 23-15262) are denied. *See Feldman v. Ariz. Sec'y of State's Office*, 843 F.3d 366, 367 (9th Cir. 2016) (discussing standard for injunction pending appeal).

The motion to set a briefing schedule on the emergency motions for injunction (Docket Entry No. 10 in No. 23-15259) is denied as moot.

We sua sponte consolidate and expedite these appeals. Appeal Nos. 23-15259, 23-15261 and 23-15262 are consolidated.

The opening briefs are due March 24, 2023. The consolidated answering

briefs are due April 14, 2023. The optional reply briefs are due within 14 days after service of the last-served consolidated answering brief. All parties on a side are encouraged to join in a single brief to the greatest extent practicable. *See* Circuit Advisory Committee Note to 9th Cir. R. 32-2.

The Clerk will place these appeals on the June 2023 calendar. *See* 9th Cir. Gen. Order 3.3(f).